

REMARKS

This application has been reviewed in light of the final Office Action dated July 23, 2007. Claims 1-7 and 9 are presented for examination, of which Claims 1, 4, and 7 are in independent form. Claims 1, 4, and 7 have been amended for the purposes of clarification only; no change in scope of those claims is either intended or believed to be effected by the changes. Favorable reconsideration is respectfully requested.

Claims 1 and 4 were rejected under § 103(a) as being unpatentable over U.S. Pat. Appln. Pub. No. 2003/0120526 (*Altman*), in view of U.S. Patent No. 6,023,679 (*Acebo*), and further in view of Int'l. Pat. Appln. Pub. No. WO 02/29672 (*Rosenbluth*); that Claims 2-3 and 5-6 were rejected under § 103(a) as being unpatentable over *Altman*, *Acebo*, *Rosenbluth*, and further in view of U.S. Pat. App. Pub. No. 2001/0049693 (*Pratt*); that Claim 7 was rejected under § 103(a) as being unpatentable over U.S. Patent No. 5,832,454 (*Jafri*) in view of U.S. Pat. Appln. Pub. No. 2003/0110063 (*Among*); and that Claim 9 was rejected under § 103(a) as being unpatentable over *Jafri*, *Among*, and further in view of *Pratt*. Applicants submit that independent Claims 1, 4, and 7, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Among other notable features of Claim 1 is the travel broker database, which stores information about travel service inventory, provides access to the travel service suppliers who post and edit travel service inventory and place reverse auction bids on posted travel service inventory, and provides access to the travel service buyers to browse and perform queries on the travel service inventory and to accept reverse auction

bids for travel service inventory from travel service suppliers. Another notable feature is the travel history database, which is configured to store current information about a traveler's future travel plans, and to be accessed by travel service buyers who use information about a traveler's future travel plans to place orders to travel service suppliers. The "inventory" is described in the present specification as including (but not being limited to) "...information concerning dates and time, geographic location, quantity, price ranges, amenities, restrictions and other relevant information. The inventory may be viewed by travel service buyers 135 who may browse and perform queries on the inventory using a user interface 138." *See Specification, [0042].* Furthermore, such information may, "...allow suppliers to discretely unload inventory at lower prices than available through their retail channels and without drawing attention from competitors or current customers".

Id. By virtue of the aforementioned features, travel service buyers and suppliers (parties other than an end-user, GDS, and vendor databases) can interact with database, other than a GDS or a vendor database, through the network in order to negotiate prices for inventory that may be sold to the travel service buyer or end-user. In addition, travel service buyers can access information in the travel broker database and travel history database and establish a reverse auction with travel service suppliers based on information about a traveler's future travel plans to place orders for travel services. Thus not only is the reliance on the GDS is removed (and associated multiple connections and configurations), integration with traveler reservations is made easier.

Altman relates to a travel reservation system that is applicable for a corporate workflow environment. Apparently, end-users can use a multiple source booking

interface to query GDS and non-GDS sources of travel services. As Applicants understand the *Altman* system, GDS and non-GDS sources are merged together in the query results presented to the user in the booking interface. In addition to this user-supplier interaction, the user's actions are tracked and limited by a corporate workflow system. An interaction exists between an end-user and a GDS or vendor database to query multiple databases and the results are merged and viewable through one interface.

Nothing has been found in *Altman* that supports the ability to use a separate travel broker database “configured for access by travel service suppliers who post and edit travel service inventory and place reverse auction bids on posted travel service inventory” and that “is configured for access by the travel service buyers to browse and perform queries on the travel service inventory and to accept reverse auction bids for travel service inventory from travel service suppliers,” as recited in Claim 1.

Moreover, Applicants submit that *Altman* teaches away from combining the teachings of *Acebo* and *Rosenbluth* and does not suggest attempting to use a reverse auction to lower the price of travel services, because the travel policy, expense policy, and workflow routing modules of the system in *Altman* already attempt to limit the user's choice of travel to the lowest cost travel providers. Support for this assertion can be found at *Altman* [0038, lines 1-3] which describes an end-user being told on-screen, prior to making a travel reservation, whether or not the travel service selection is compliant with company policy. The travel policy can also be based on external data sources, such as hotel per diem rates. (*Altman*, [0037] lines 7-8). In addition, the rates built into the travel policy rules of *Altman* apparently are pre-negotiated rates that are loaded into the workflow

management program and preferred vendors and amenities are presented to the user when making a reservation. It follows that it is neither necessary nor desirable to renegotiate the travel policy (and per diem rates) every time an end-user user makes a travel arrangement in the *Altman* system because the travel policy has already been pre-negotiated prior to the travel booking, not during or after booking. Further, using other non-preferred vendors may reduce any benefit of the negotiated rates.

Accordingly, Applicants submit that a combination of *Altman*, *Acebo*, and *Rosenbluth* is impermissible, and in any event would fail to teach or suggest the features discussed above with respect to Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claims 4 and 7 include features similar to those discussed above with respect to Claim 1. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

Applicants further submit that Claim 7 also is patentable over *Jafri et al.* and *Among et al.* for the following additional reasons. As conceded by the Examiner, *Jafri et al.* does not disclose “a travel broker database for storing travel inventory.” Office Action at p. 7. Applicants respectfully disagree that *Among et al.* remedies this deficiency, and particularly submit that the “travel inventory 107” database of *Among et al.* is not “a travel broker database,” as recited in Claim 7. Specifically, at paragraph 39 of *Among et al.*, it state that “[t]he travel inventory 107 includes data for the hotel database, the car rental database, the activity database, a database of inventories and prices from the various

vendors.” Nothing has been found in *Among et al.* that would teach or suggest “a travel broker database, connected to the communication network and configured to store information about travel service inventory, for access by travel service suppliers who post and edit travel service inventory and place reverse auction bids on posted travel service inventory, and for access by travel service buyers to browse and perform queries on the travel service inventory and to accept reverse auction bids for travel service inventory from travel service suppliers,” as recited in Claim 7. Accordingly, Applicants submit that Claim 7 is patentable over the cited art for this additional reason, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicants
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCHS_WS 1482154_1.DOC